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RECENT CASES

BANKRUPTCY—POWER OF STATE AND NATION—NATIONAL LAW SUPREME.—*HURLEY v. DEVLIN*, 151 FED. 919.—*Held*, that Congress may pass laws making such distribution of bankrupt's property, dividing it among his creditors, his wife and the bankrupt, as seems proper to it, without interference from state laws.

A state legislature has power to pass bankrupt and insolvency laws, so long as they do not interfere with any national law on the subject, and do not impair the obligation of a contract. *Sturgis v. Crowninshield*, 4 Wheat. 122; *Ogden v. Saunders*, 12 Wall. 213; *Baldwin v. Hale*, 1 Wall. 223; *Hoyle v. Zacharie*, 6 Peters 635. When Congress passes a bankrupt law any state law concerning the same matter becomes suspended. *Ex parte Eames*, Fed. Cases, No. 4237; *In re Reynolds*, 8 R. I. 485. One case held that a state could not pass bankrupt laws, even in the absence of action by Congress. *Golden v. Prince*, Fed. Cas. No. 5509. It is now recognized that a state may pass an insolvent law, but it is superseded by national bankrupt law in so far as they conflict. *Appeal of Geery*, 43 Conn. 289; *Fisk v. Montgomery*, 21 La. Ann. 446. Congress has power to destroy a lien on the property of a bankrupt. *In re Jordan*, Fed. Cas. No. 7514; *Bank of Columbia v. Overstreet*, 73 Ky. 148. American bankrupt laws apply to any debtor; English apply only to fraudulent traders. *In re Klein*, Fed. Cas. No. 7865. The bankrupt's assignee is not entitled to bankrupt's wife's choses in action not reduced to possession. *In re Snow*, Fed. Cas. No. 13,142. Nor is he entitled to property of a bankrupt's minor children, acquired by their endeavors, and standing in their name. *Ex parte Tebbets*, Fed. Cas. No. 13,816.

CARRIERS—FREE PASSES—INJURY TO PASSENGERS—LIABILITY.—*BRADBURN v. WHATCOM COUNTY RY. & LIGHT CO.*, 88 PAC. 1020 (WASH.).—*Held*, that a street railroad carrying a police officer free of charge as required by a municipal ordinance is liable for injuries sustained by him through the negligence of its motorman in charge of the car, though the ordinance is in conflict with Constitution, article 2, section 39, and article 12, section 20, prohibiting the granting of passes to officers.

CARRIERS—INJURY TO PASSENGERS—EXEMPLARY DAMAGES.—*CLEVELAND, C., C. & ST. L. R. CO. v. OFFUTT*, 104 S. W. 359 (KY.).—Where a passenger was injured in a collision between the car on which he was riding and the engine of another train, when both trains were moving slowly and the engine merely grazed the side of the car, and the cause of the accident appeared to be an error of judgment as to the space within which the incoming train would stop or to its arriving a few seconds before expected, *held*, that the circumstances were insufficient to justify the award of exemplary damages, even though the plaintiff claimed the jar threw him against the arm of the seat, and injured his hip and back, Carroll and Nunn, JJ., *dissenting*.

Exemplary damages may be given when a personal injury has been caused by the gross carelessness of a railroad company, in the management of its trains. *Hopkins v. The Atl. & St. Law. R. R.*, 36 N. H. 9. While such damages will not be given to a passenger who has been injured in a collision, caused by the negligence of the employees of a railroad, unless it is the result of their reckless indifference. *Milwaukee & St. Paul Ry. Co. v. Arms, et al.*,